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By: **Senator Pipkin**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Kent County - Special Maryland Wine License Privilege**

3 FOR the purpose of authorizing in Kent County the Board of License Commissioners  
4 to issue a special Maryland Wine License Privilege to certain applicants;  
5 specifying qualifications for the Privilege; authorizing a holder of the Privilege  
6 to sell certain wine under certain circumstances; specifying an annual fee for the  
7 Privilege; providing that the Privilege is not a separate class of license; and  
8 generally relating to alcoholic beverages in Kent County.

9 BY repealing and reenacting, without amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 6-201(p)(1) and (2)(i), (ii), and (iii)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2002 Supplement)

14 BY adding to  
15 Article 2B - Alcoholic Beverages  
16 Section 6-201(p)(4)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 2B - Alcoholic Beverages**

22 6-201.

23 (p) (1) (i) This subsection applies only in Kent County.

24 (ii) In this subsection, "Board" means the Board of License  
25 Commissioners.

26 (2) (i) The Board may issue a Class B beer, wine and liquor license for  
27 use in a restaurant.

- 1 (ii) To qualify for licensure under this subsection, the restaurant  
2 shall:
- 3 1. Be fully equipped with a proper and adequate dining  
4 room;
- 5 2. Have sufficient facilities for preparing and serving meals  
6 to the public; and
- 7 3. Be approved by the Board.

8 (iii) When operating under this license, a holder's average daily  
9 receipts from the sale of food shall comprise at least 60 percent of the average daily  
10 receipts of the business.

11 (4) (I) THE BOARD MAY ISSUE A SPECIAL MARYLAND WINE LICENSE  
12 PRIVILEGE.

13 (II) TO QUALIFY FOR A SPECIAL MARYLAND WINE LICENSE  
14 PRIVILEGE, AN APPLICANT SHALL BE A HOLDER OF A CLASS B (ON-SALE) BEER AND  
15 WINE LICENSE OR BEER, WINE AND LIQUOR LICENSE FOR USE ON A PREMISES THAT  
16 QUALIFIES AS A RESTAURANT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

17 (III) A SPECIAL MARYLAND WINE LICENSE PRIVILEGE AUTHORIZES  
18 THE HOLDER TO SELL WINE FROM A CLASS 4 WINERY BY THE BOTTLE FOR OFF-SALE  
19 WITHOUT THE COST OF THE WINE COUNTING AS A PART OF THE AVERAGE DAILY  
20 RECEIPTS OF THE BUSINESS REQUIRED TO MEET THE MINIMUM 60 PERCENT FOOD  
21 SALES REQUIREMENT UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION.

22 (IV) THE ANNUAL FEE FOR THE SPECIAL MARYLAND WINE LICENSE  
23 PRIVILEGE IS \$100.

24 (V) THE SPECIAL MARYLAND WINE LICENSE PRIVILEGE IS NOT A  
25 SEPARATE CLASS OF LICENSE BUT SHALL BE CONSIDERED PART OF THE EXISTING  
26 CLASS B (ON-SALE) BEER AND WINE LICENSE OR BEER, WINE AND LIQUOR LICENSE  
27 OF THE HOLDER OF THE SPECIAL MARYLAND WINE LICENSE PRIVILEGE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 June 1, 2003.